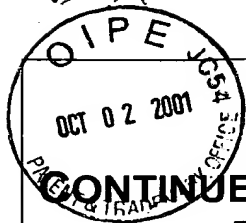


10-03-01

RCE/1642/14

THIS FORM IS BASED ON PTO/SB/30 (08-00)



# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/288,837
Filing Date	April 8, 1999
First Named Inventor	MacDonald et al.
Group Art Unit	1642
Examiner Name	B. Brumback
Attorney Docket Number	5470-238

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.  
**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 13.53(d) (PTO/SB/29) instead of an RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which was established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
  - i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
  - ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
  - iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
  - i. ☒ Amendment/Reply
  - ii. ☐ Affidavit(s)/Declaration(s)
  - iii. ☐ Information Disclosure Statement (IDS)
  - iv. ☐ Other: Form PTO -1449 (with 10 references); Change of Correspondence Address

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. \_\_\_\_\_
  - i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)
  - ii. ☐ Extension of time fee (37 C.F.R. § 1.136 and 1.17)
  - iii. ☐ Other \_\_\_\_\_
- b. ☒ Check in the amount of \$ 710.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)
- d. ☒ If necessary, the Director is hereby authorized to charge any deficiencies, or credit any overpayments, to Deposit Account No. 50-0220

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Name (Print/Type)	Karen A. Magri	Registration No. (Attorney/Agent)	41,965
Signature		Date	9/28/01

CERTIFICATE OF MAILING OR TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to Box RCE, Commissioner For Patents, Washington, DC 20231.			
Name (Print/Type)	Traci A. Brown	Date	9/28/01
Signature		Date	9/28/01

10/04/2001 17:00:00  
01 FC:179



Attorney's Docket No. 5470-238

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: MacDonald et al.

Serial No. 09/288,837

Filed: 8 April 1999

For: *METHODS AND MODIFIED CELLS FOR THE TREATMENT OF  
CANCER*

Group Art Unit: 1642

Examiner: B. Brumback

Date: September 28, 2001

BOX RCE

Commissioner for Patents  
Washington, DC 20231

### AMENDMENT

Sir:

Responsive to the Final Action dated March 30, 2001 and the Advisory Action dated August 28, 2001, it is respectfully requested that this application be reconsidered in view of the following amendments and remarks.

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# 2010  
KJ  
10-11-01

#### In the Claims.

(Please amend the claims as follows:)

84. (Twice Amended) A composition comprising infectious alphavirus particles in an immunogenically effective amount, wherein said alphavirus particles comprise one or more heterologous nucleotide sequences encoding an antigen; and wherein said antigen is a native cancer cell antigen, and further wherein said alphavirus particles comprise one or more attenuating mutations, said composition effective to treat a cancer cell expressing said native cancer antigen.

95. (Amended) A composition comprising infectious Venezuelan Equine Encephalitis (VEE) particles in an immunogenically effective amount, wherein said VEE particles comprise one or more heterologous nucleotide sequences encoding an antigen; and wherein said antigen is a native cancer cell antigen, and further wherein said VEE particles comprise one or more attenuating mutations, said composition effective to treat a cancer cell expressing said native cancer antigen.